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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

REX SHELDON NOEL,

Defendant and Appellant.

F069872

(Super. Ct. No. F14900394)

**OPINION**

**THE COURT\***

APPEAL from a judgment of the Superior Court of Fresno County. Ralph Nunez, Judge. (Retired Judge of the Fresno Sup. Ct. assigned by the Chief Justice pursuant to article VI, § 6 of the Cal. Const.)

Francine R. Tone, under appointment by the Court of Appeal, for Defendant and Appellant.

Office of the State Attorney General, Sacramento, California, for Plaintiff and Respondent.

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\* Before Gomes, Acting P.J., Detjen, J. and Franson, J.

Pursuant to a plea agreement, Rex Sheldon Noel pled no contest to possession of ammunition by a felon and admitted two enhancements. Pursuant to the terms of the agreement, the trial court struck both enhancements and sentenced Noel to the mitigated term of 16 months. We affirm the judgment.

#### FACTUAL AND PROCEDURAL SUMMARY

The information charged Noel with possession of ammunition by a felon (Pen. Code, § 30305, subd. (a)),<sup>1</sup> and alleged he had suffered a prior conviction that constituted a strike within the meaning of section 667, subdivisions (b)-(i), and had served two prior prison terms within the meaning of section 667.5. Prior to trial, Noel agreed to a plea agreement which required him to plead guilty (or no contest) to the charge, and admit the prior strike enhancement as well as one prior prison term enhancement. The trial court indicated it would strike the prior strike conviction and the prison term enhancement and sentence Noel to a maximum of 16 months in prison. Noel signed a Felony Advisement, Waiver of Rights, and Plea Form which conformed to the terms of the agreement. In this form Noel waived his constitutional rights and was advised of the consequences of entering into this plea agreement. The trial court confirmed Noel initialed and signed the form, Noel had the opportunity to discuss the form with his attorney, and that Noel understood the form.

At the sentencing hearing the trial court struck the prior strike conviction pursuant to section 1385, and imposed and struck the one year prison prior. It then sentenced Noel to the mitigated term of 16 months in prison pursuant to the terms of the plea agreement.

#### DISCUSSION

Appellate counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 asserting that after reviewing the record she did not identify any arguable issues in this

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<sup>1</sup> All statutory references are to the Penal Code.

case. By letter dated May 11, 2015, we invited Noel to inform the court of any issues he wished us to address. Noel did not respond to our letter.<sup>2</sup>

Our review of the record did not locate any arguable issues. Noel entered into a favorable plea agreement, and was sentenced pursuant to the terms of the agreement.

Noel's notice of appeal included a request that the trial court issue a certificate of probable cause, which the trial court issued. Noel's request merely stated that Noel felt he was pressured and coerced into accepting the plea agreement. There is nothing in the record to support the claim of coercion. The record indicates Noel informed the trial court that his mother was seriously ill, but this fact alone does not suggest he was coerced into entering the plea agreement. Noel signed the Felony Advisement, Waiver of Rights, and Plea Form, and informed the trial court he understood the form. At no time did Noel suggest that he did not want to enter into the plea agreement, or that he was forced to do so. Accordingly, we reject his claim since it is unsupported by any evidence.

#### DISPOSITION

The judgment is affirmed.

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<sup>2</sup> It appears Noel may not have received the letter because he was released from custody when we sent the letter, but he had not informed us of a current address.